

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5553 of 1995

Between:

G.Prasad Rao, S/o.Appalaswami
R/o Pata Naupada, Naupada R.S.,
Srikakulam District.

..... PETITIONER

AND

- 1 The District Collector, Srikakulam District, Srikakulam.
- 2 The Director of Tribal Welfare, Andhra Pradesh,
Tank Bund, Hyderabad.
- 3 The Director General and Inspector General of Police,
A.P., Hyderabad.
- 4 The Deputy Inspector General of Police, Visakhapatnam Range,
Visakhapatnam.
- 5 The Mandal Revenue Officer,
Tekkali Mandal, Srikakulam District.
6. Addl. Registrar-I, Office of the Commissioner for Cooperation and Registrar of
Cooperative Societies, Andhra Pradesh, Hyderabad.

(R-6 is impleaded as per Court order dated 9-12-2004 in W.P.M.P.No.33942 of
1996)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Mandamus declaring the action of Respondent No.1 in issuing his proceedings in his Rc.No.44/89.B10, dt:20/7/89 cancelling the social status certificate issued by Respondent No.5 in his proceedings in Rc.No.722/85, dt:20/6/87 and in declaring that the petitioner belongs to Vaddi (B.C-A) community even without looking into the report got prepared by Respondent No.2 in respect of the persons claiming to be the persons belonging to Benth Oriya Community in Tekkali area of Srikakulam District as illegal and void after directing Respondent No.2 to produce the enquiry report got prepared by Respondent No.2 in connection with the dispute relating to the social status of the

persons claiming to be the Benth Oriya Community in Srikakulam District and consequentially to direct the respondents to depute the petitioner for training of Sub-Inspector of Police in Zone-I with all consequential benefits.

Counsel for the Petitioner: MR. M.R.K.CHOWDARY

Counsel for Respondents 1, 2 and 5: GOVERNMENT PLEADER FOR SOCIAL WELFARE

Counsel for Respondents 3 and 4: GOVERNMENT PLEADER FOR HOME

The Court made the following:

ORAL ORDER:

This writ petition is filed questioning the orders of the District Collector, Srikakulam cancelling the caste certificate issued earlier to the petitioners.

Now in view of the provisions under the Andhra Pradesh (SC, ST & BCs) Regulation of Issuance of Community Certificates Act, 1983, there is an effective alternative remedy of appeal to the Government against the orders of the District Collector under Section 7 of the Act.

As much as the petitioner is raising some factual disputes, it is a proper case where he can avail the remedy of appeal before the appellate authority. Further, on filing of the writ petition, this court granted interim suspension of the impugned order and the said orders continued all along.

In that view of the matter, without going into the merits of the case I dispose of the writ petition permitting the petitioner to avail the remedy of appeal before the government within a period of six weeks from the date of receipt of a copy of this order. On filing such appeal, the Government shall entertain the same without reference the limitation and consider the same on its own merits, as expeditiously as possible. As much as interim order is there suspending the order passed by the District Collector, the impugned order remains suspended, till disposal of the appeal by the Government. It is made clear that if the appeal is not filed within the stipulated as indicated above, it is open for the respondents to initiate action in accordance with law. No costs.

9-12-2004

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To

1. The District Collector, Srikakulam District, Srikakulam.
2. The Director of Tribal Welfare, Government of Andhra Pradesh,
Tank Bund, Hyderabad.
3. The Director General and Inspector General of Police,
Andhra Pradesh, Hyderabad.
4. The Deputy Inspector General of Police, Visakhapatnam Range,
Visakhapatnam.
5. The Mandal Revenue Officer, Tekkali Mandal, Srikakulam District.
6. Addl. Registrar-I, Office of the Commissioner for Cooperation and Registrar of
Cooperative Societies, Andhra Pradesh, Hyderabad.
7. Two CCs to the Government Pleader for Social Welfare,
High Court Buildings, Hyderabad (O.U.T).
- 8 Two CCs to the Government Pleader for Home,
High Court Buildings, Hyderabad (O.U.T).
9. Two CD copies.